

Jun 10, 2019

Movant.

KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

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The above described property is also known as 431 Covered Bridge Lane, O'Fallon, Missouri 63366 ("Property"). A true and correct copy of the Deed of Trust is attached hereto as Exhibit "B" and incorporated herein by this reference.

5. The Deed of Trust was later assigned by Mortgage Electronic Registration Systems, Inc. as nominee for Residential Mortgage Consultants to Well Fargo Bank, NA and the assignment was recorded in the St. Charles Recorder of Deeds on May 30, 2012, in Book DE5787 at Page 39. The Deed of Trust was later assigned by Wells Fargo Bank, NA to U.S. Bank Trust National Association, as Trustee of the Igloo Series III Trust and the assignment was recorded in the St. Charles Recorder of Deeds on September 28, 2017 in Book DE6815 at Page 467. True and correct copies of the Assignments are attached hereto as Exhibit "C" and incorporated herein by this reference.

6. A Loan Modification was executed between the Debtor and U.S. Bank Trust National Association, as Trustee of the Igloo Series III Trust on or about February 1, 2018. A true and correct copy of the Loan Modification is attached hereto as Exhibit "D" and incorporated herein by this reference.

7. Debtor has failed to make the required payment as outlined in the Note. As of May 17, 2019, the principal balance of the Note is \$118,806.29 with interest to May 17, 2019 in the amount of \$1,780.46 in addition to late charges, insufficient funds and other amounts due and owing under the note. As of May 17, 2019, the total debt owed is \$120,388.57.

8. The debtors are currently due for the January 1, 2019 payment.

9. The following post-petition payments were paid:

Post Pet Due Date	Date Payment Received	Payment Received
	12/22/2016	\$431.39
1/1/2016	3/8/2017	\$1,211.60
2/1/2016	3/24/2017	\$1,018.91

Trustee Arrears	4/6/2017	\$242.32
Trustee Arrears	5/10/2017	\$242.32
Trustee Arrears	6/6/2017	\$242.32
Suspense	6/30/2017	\$902.54
Trustee Arrears	7/10/2017	\$242.32
Suspense	6/21/2018	\$1,500.00
2/1/2018	8/10/2018	\$2,200.00
5/1/2018	9/7/2018	\$2,291.79
8/1/2018	11/19/2018	\$2,013.66

10. A post-petition payment history is attached hereto as Exhibit "E".

11. Movant's best estimate of the value of the Property is \$182,740.00. The basis for such valuation is the Debtor's Schedules.

12. In addition to other amounts due to the Movant per this Motion, in connection with filing this Motion for Relief the Movant has also incurred legal fees in the amount of \$850.00 along with \$181.00 in costs. Movant reserves all rights to seek an allowance of such fees and costs in accordance with applicable state or Federal law and the loan documents.

13. Cause exists for the granting of relief from the automatic stay as Debtor has not offered Movant adequate protection of its interest in the Property pursuant to 11 U.S.C. §362(d)(1).

14. Movant asserts that Debtor's failure to make regular payments as required under the Note and Deed of Trust results in a lack of adequate protection of Movant's security interest and, therefore, a continuation of the automatic stay places the Movant's collateral in jeopardy.

15. Post-confirmation payments as required by the Plan have not been made to the Movant.

16. The failure of the Debtor to make the payments may require the Movant/Creditor to expend funds to secure its interest in the subject Real Property such as having to pay for insurance, taxes and/or repairs on the subject Real Property.

17. To the extent that the Trustee intends to sell the Property, Movant requests that it be provided adequate protection of its interest in the Property.

18. Movant hereby consents to the continuation of the automatic stay until a hearing is held on the merits of this motion and hereby waives its right to a hearing within thirty (30) days of the date of this motion as provided by Section 362(e)(1) of the Bankruptcy Code.

WHEREFORE, for the foregoing reasons, Movant respectfully requests that this Court enter an Order granting relief from the automatic stay and finding that the fourteen (14) day stay period pursuant to Rule 4001(a)(3) shall be waived, authorizing Movant to immediately exercise any and all rights provided under non-bankruptcy law and as set forth in the Note and Mortgage granting it an interest in said property, and for such other and further relief as is just and appropriate under the circumstances.

Respectfully Submitted,

MARINOSCI LAW GROUP, P.C.

/s/David V. Noyce

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ATTORNEY FOR MOVANT

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI**

In re Jennifer Lynn Dalicandro

Debtor(s).

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Case No. 16-47078
Chapter 13

EXHIBIT SUMMARY

Pursuant to the Local Rules of Bankruptcy Procedure, the following exhibits are referenced in support of the Motion for Relief of U.S. Bank Trust National Association, as Trustee of Igloo Series III Trust. Copies of these exhibits will be provided as required by Local Rules:

EXHIBITS:

- A. Note dated June 14, 2005, executed by Debtor in the amount of \$138,000.00.
- B. Deed of Trust executed on June 14, 2005, by Debtor recorded in Book DE4217 at Page 1622 of the St. Charles County Recorder of Deeds.
- C. Assignments.

Respectfully submitted,

/s/ David V. Noyce
David V. Noyce #56116MO
Attorney for Creditor

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Motion for Relief from Stay was filed electronically on April 18, 2019, with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List to the following:

Jack Justin Adams
Adams Law Office
1 Mid Rivers Mall Dr, Ste #200
St. Peters, MO 63376

Diana S. Daugherty
P. O. Box 430908
St. Louis, MO 63143
Bankruptcy Trustee

Office of the U.S. Trustee
111 S. Tenth Street, Suite 6353
St. Louis, MO 63102

The undersigned certifies that a true and correct copy of the Motion for Relief was sent by U.S. first class mail on April 18, 2019, to the following non-CM/ECF parties:

Jennifer Lynn Dalicandro
431 Covered Bridge Lane
O Fallon, MO 63368

/s/ David V. Noyce

David V. Noyce; 56116MO
Attorney for Creditor